

SENATE/HOUSE FILE _____
BY (PROPOSED AUDITOR OF STATE
BILL)

A BILL FOR

1 An Act relating to the penalty for public employees and public
2 officials ordered to pay restitution to a public employer.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 907.3, subsection 1, paragraph a, Code
2 2020, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (15) The defendant was a public employee
4 or public official at the time of the offense and is ordered
5 to pay restitution in an amount greater than one thousand five
6 hundred dollars to a public employer in which the defendant
7 was employed or served for damages resulting directly from the
8 offense pursuant to chapter 910.

9 Sec. 2. Section 907.3, subsection 2, paragraph a, Code 2020,
10 is amended by adding the following new subparagraph:

11 NEW SUBPARAGRAPH. (9) The defendant was a public employee
12 or public official at the time of the offense and is ordered
13 to pay restitution in an amount greater than one thousand five
14 hundred dollars to a public employer in which the defendant
15 was employed or served for damages resulting directly from the
16 offense pursuant to chapter 910.

17 Sec. 3. Section 907.3, subsection 3, Code 2020, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. *h.* The defendant was a public employee or
20 public official at the time of the offense and is ordered to
21 pay restitution in an amount greater than one thousand five
22 hundred dollars to a public employer in which the defendant
23 was employed or served for damages resulting directly from the
24 offense pursuant to chapter 910.

25 Sec. 4. Section 907.3, Code 2020, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 4. For the purposes of this section:

28 *a.* "Public employee" means any individual employed by a
29 public employer and includes a contractor or vendor.

30 *b.* "Public employer" means the state, its boards,
31 commissions, agencies, and departments, and its political
32 subdivisions including school districts and other special
33 purpose districts.

34 *c.* "Public official" means the same as defined in section
35 68B.2.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

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4 This bill prohibits a defendant who was a public employee or
5 public official at the time of the offense and who is ordered
6 to pay restitution in an amount greater than \$1,500 to a
7 public employer in which the defendant was employed or served
8 for damages resulting directly from the offense pursuant to
9 Code chapter 910 from receiving a deferred judgment, deferred
10 sentence, or suspended sentence. The bill defines "public
11 employee" as any individual employed by a public employer and
12 includes a contractor or vendor, "public employer" as the
13 state, its boards, commissions, agencies, and departments, and
14 its political subdivisions including school districts and other
15 special purpose districts, and "public official" as officials,
16 local officials, and members of the general assembly (as
17 defined in Code section 68B.2).

18 Restitution under Code chapter 910 means payment of
19 pecuniary damages to a victim in an amount and in the manner
20 provided by the offender's plan of restitution. Pecuniary
21 damages are all damages to the extent not paid by an insurer on
22 an insurance claim by the victim, which a victim could recover
23 against the offender in a civil action arising out of the same
24 facts or event, except punitive damages and damages for pain,
25 suffering, mental anguish, and loss of consortium.